



WP.No.20.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

WP.No.20568 of 2015

and

MP.No.2 of 2015

P.Madesvaran

... Petitioner

Vs

1.The State of Tamilnadu,
Rep. by its Secretary to Govt.,
Home (Police-XIX) Department,
Fort St. George, Chennai-9.

2.The Competent Authority/District Revenue Officer,
Namakkal.

3.The District Registrar (Admn.),
Namakkal.

4.The Sub Registrar,
Rasipuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents in G.O.Ms.No.497 Home (Police-XIX) Department dated 12.07.2013 quash the same.



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For Petitioner : Mr.K.M.Arun
for Mr.N.C.Ashok Kumar

For Respondents : Mr.Alagu Goutham,
Government Advocate

ORDER

Heard Mr.K.M.Arun, learned counsel for the petitioner and Mr.Alagu Goutham, learned Government Advocate for the respondents.

2.The prayer in this writ petition is for a certiorarified mandamus, calling for and quashing the records of the respondents in G.O.Ms.No.497 Home (Police XIX) Department, dated 12.07.2013.

3.The petitioner claims to have purchased land admeasuring 1882 sq. ft. along with a residential house admeasuring approximately 1352 sq. ft. in Abirami Nagar Lay Out, Town Survey No.10/2B, Plot No.20, Abirami Nagar, Koneripatti Village, Rasipuram Taluk (property/property in question) under a registered sale deed dated 22.09.2014 from one B.Jagadeesan.

4.Due diligence had been exercised by the petitioner prior to purchase of the property and the petitioner states that no encumbrance was found in the course of his enquiry.

5.While this is so, the 4th respondent i.e. the Sub Registrar, Rasipuram had issued



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a notice on 15.10.2014 seeking an explanation from the petitioner in regard to the aforesaid transaction of purchase of the property in question. It was only then that the petitioner claims to have become aware that the property in question had been subjected to an attachment under Section 3 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act, 1997 (TNPID Act) vide G.O.Ms.No.497 dated 12.07.2013.

6.Upon enquiry, the petitioner found that a complaint had been registered in C.C.No.34 of 2013 on the file of the Special Court constituted under the TNPID Act as against his vendor said B.Jagadeesan and several others.

7.At the time of admission of this matter on 10.07.2015, this Court had, noting the prima facie case made out by the petitioner, granted ad interim protection by way of a direction for removal of the seal affixed in the premises in question seeing as the property comprised his residential property. The direction has been complied with by the respondents and the petitioner is presently residing in the property.

8. Since the operation of the impugned order has not been stayed or modified in any way pending writ petition, the matter has been proceeded with by the TNPID Court in O.A.No.19 of 2015. The petitioner has also been heard in the course of the proceedings and the O.A. has culminated in an order dated 07.03.2022, wherein the



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petitioner is arrayed as R19. The attachment in regard to the impugned property has been made absolute. The petitioner submits that he is in the process of approaching the appropriate Court by way of a Civil Miscellaneous Petition challenging order dated 07.03.2022.

9. Incidentally, the Civil Miscellaneous Petition ought to have been filed within 60 days from date of receipt of that order and is hence belated as on date. In the aforesaid circumstances, nothing survives in this matter as what has been impugned is an ad interim attachment that has culminated into an absolute one.

10. Needless to say, the petitioner is at liberty to seek appropriate relief before the Court concerned, in accordance with law. This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

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vs

Index : Yes / No

Speaking Order

To

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